

**MADISON COUNTY PLANNING BOARD
MEETING MINUTES
JUNE 30, 2008**

I. Call to Order

The meeting was called to order by President Ann Schwend at 6:06 p.m.

II. Roll Call

BOARD MEMBERS PRESENT: Ann Schwend, Lane Adamson, John Lounsbury, Pat Bradley, Dave Maddison, Kathy Looney, Dorothy Davis, Ed Ruppel, Don Loyd and Eileen Pearce.

BOARD MEMBERS ABSENT: Laurie Schmidt.

STAFF MEMBERS PRESENT: Charity Fechter, Jim Jarvis and Marilee Tucker.

STAFF MEMBERS ABSENT: None.

OTHERS PRESENT: Dave DeGrandpre, Jim Barr Coleman, Marvin Hansen, Tom Henesh, Kevin Germain, Tim and Roberta Jackson, Mick and Judy Jackson, Vicky Reynolds, Doris L. Zankowsky, Robert J. Reynolds, Frank John Kunkel, Ryan Geser, William Frayhe, Kevin Spencer, Robert Mayfield, Bill Dringle, Ross Keogh, Andy Willett, Roger Lang, Leonard Liston and Lenny Liston.

III. Minutes of the May 27, 2008 meeting

<p>MOTION: To approve the minutes of the May 27, 2008 meeting with corrections. Moved by Pat Bradley; seconded by Ed Ruppel. Motion passed unanimously.</p>
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IV. President's Comments

President Ann Schwend reminded the group that any written comments should arrive in the Planning Board office before the Tuesday preceding the meeting so that the Planning Board members have an adequate opportunity to read and absorb the material. She added that by law, written comments can come in the night of the meeting until the end of the public hearing, but having them earlier is preferable.

V. Opportunity for Public Comment

There was no public comment offered.

VI. Public Hearings

A. Preliminary Plat, Overall Development Plan and Road Variance – Bradley Creek Ranch Subdivision

President Ann Schwend opened the hearing at 6:16 p.m. She reminded those assembled that another application had been previously reviewed on this particular property, but that this is an entirely new application and should be viewed as such. Planner Jim Jarvis described the project with the assistance of the plats supplied by the developer. He pointed out the wildlife corridor, roads, fire fill sites, the public and private land surrounding the project, the creeks on the property and the large parcels to be sold as 160-acre parcels located to the west of the subdivision.

Site Description:

The 2118 acre site, located 1.5 miles south of Norris, Montana, is accessed via US Highway 287 North. Legally the tract is described as a the SE ¼ of Section 21; W ½ SW ¼ of Section 26; Section 27; the E ½ SW ¼, SE ¼ NW ¼, E ½ Section 28; E ½ NW ¼, NE ¼, NE ¼ SW ¼, N ½ SE ¼ of Section 33; N ½ Section 34; E ½ E ½ of Section 35; T3S, R1W, PMM.

This irregular-shaped tract is bordered on the east by US Highway 287 North and agricultural holdings along the remaining boundaries. Three small drainages, Bradley Creek, Burnt Creek, and Woods Creek and related wetlands, cross the property. These drainages generally flow in a northerly direction and ultimately merge and empty into Hot Springs Creek near Norris.

Proposal:

Overall Development Plan

Over the course of four phases, this 2118-acre subdivision will create 110 lots, including 98 single family and 4 duplex residential lots (ranging from 1.6- 52.8 acres), 8 ranch lots of at least 160 acres, and 109 acres of park and open space. The subdivision is located between the communities of Norris and Ennis with two existing points of access to US Highway 287 North.

This application incorporates many of the clustering conventions requested by the planning board, including concentrating development near the highway corridor and reducing the number and increasing the size of lots in the outlying areas. Wildlife connectivity has been enhanced through increased open space. Compared to the previous 2007 Bradley Creek Ranch subdivision proposal of 3080 acres and 147 lots, this

proposal eliminates 37 lots and excludes approximately 962 acres of property located east of the highway corridor.

Preliminary Plat

The developer has stated his intention to create lots offering new housing choices for the Norris area. The single-family lots, ranging from 1.6 – 52.8 acres, offer various levels of affordability. No mobile homes, only site-built homes are allowed. Five lots; three single-family and two duplex lots, have been identified for development in cooperation with the County's proposed affordable housing program

Phase 4 of the proposal provides for the creation of a maximum of 8 large ranches lots in the rugged terrain generally defining the western half of the subdivision. These large ranch lots, a minimum of 160 acres, are intended to reduce the need for new road construction, limit the number of home sites, and maximize open space for wildlife habitat and migration.

As part of Phase 1, an 8.6 acre community park containing the existing barn structure is proposed along Burnt Creek. Two additional open space (farmland) tracts totaling 100 acres, border the park property to the north and south. These tracts preserve the most productive agricultural land along Burnt Creek and reinforce setbacks from the stream channel.

Road and utility easements are identified on the plat. Primary subdivision access will be provided by two existing approaches to US Highway 287 North. Five miles of new roads are proposed for construction within the subdivision. Three secondary emergency access routes from the subdivision are shown on the plat.

The development proposes individual wells and septic systems for each lot. Community water and sewer systems were considered but determined not feasible by the developer due to topographic challenges and the proposed development density.

Variance

A variance from county road standards is requested to allow private driveways to serve more than 2 ranch lots in the Phase 4 area.

The proposed use areas are shown in the following table.

Use	Description	Acres	%
Single-family home sites	98 lots, ranging from 1.6-52.8 acres in size	607 acres	29%
Multi-family home sites	4 duplex lots (2 acres each)	8 acres	<1%
Ranch lots	8 lots, (each a minimum of 160 acres)	1324 acres	62%

Park, open space	1 park lot (8.6 acres), and 2 open space/farmland parcels (35.8 and 64.9 acres)	109 acres	5%
Streets	Approximately 5 miles of access and internal subdivision roads	70 acres	3%
	TOTAL	2118 acres	100%

Agency and Individual Comments:

Notices were sent to adjoining property owners, review agencies, nearby communities, and lien and easement holders. The public hearing was advertised in June 12, 2008 and June 19, 2008 issues of *The Madisonian*. The following table summarizes the comments received.

REVIEW AGENCIES	COMMENTS
Madison County Planning	Preliminary plat application complete and sufficient.
Madison County Board of Commissioners (Road Supervisor)	M. Ross – See MDT comments
Madison County Sanitarian	R. Hamler – DEQ sanitary review underway,
Madison County Weed Office	M. Edsall - Weed management plan approved
Madison County Sheriff's Office	D. Schenk – Police coverage adequate, 30-40 minute response time
Madison County – Emergency Management	Chris Mumme – estimated emergency services response times are 15-20 minutes J. Husar – Inspection complete, the 4 proposed 10,000 gallon capacity fire suppression fill sites are acceptable, prefer 30,000 gallon capacity, fire department must inspect hydrant connection and supply well operation, provision must be made for vehicle turn out areas at the hydrants, recommend relocation of at least one fill site to the phase 3 area of the development, defensible space concerns have been addressed, recommend fire suppression sprinklers and use of fire resistant building materials, proper signage and housing number required.
Madison County Clerk and Recorder	None

Harrison – Pony – Norris Quick Response Unit	Tim Norville – subdivision access information must be kept current, adequate signage, both roads and structures required, access through gates required, response time 15-30 minutes depending on conditions.
Ennis Volunteer Ambulance Service	Susie Sprout – coverage provided to subdivision, residences and streets must be clearly marked, compliance with the County 911 emergency addressing system, roads must be maintained, access through gates required, copy of final subdivision plat requested.

ADJACENT LANDOWNERS	COMMENTS
Daisy and Terry Fain	No new comments at this time, appreciate notice. Previous concerns impacts to groundwater and night skies.
Jerry Bausch	Expressed interest in grazing the open space within subdivision in cooperation with HOA. .

LEIN AND EASEMENT HOLDERS / HOMEOWNERS ASSOCIATIONS	COMMENTS
	No reply

Tom Henesh and Marvin Hansen presented a slide show of the Bradley Creek project highlighting emergency access/driveways; potential 2-4 lots of affordable housing portion of the project; fire fill sites; wildlife corridor; 150' X 150' building envelope sites; highly regulated grazing in the western 2/3 of the property; fire protection plan by Fire Logistics and school bus turnaround in the park. Tom Henesh requested that Condition #12 be stricken. It requires the developer to ensure that a northbound left turn lane be put on US Highway 287 N leading to the subdivision.

Public Comment at the Hearing

Bill Dringle, former Madison County Commissioner –

- This is a nice subdivision and a good place for one. It is not impacting good agricultural ground. I recommend approval.

Jim Barr Coleman, Goetz, Gallik and Baldwin Law Firm-

- Represents the Defenders of Madison Valley Shared Values and cautioned the group to not ignore the Growth Policy. He said that

this subdivision is a gross violation of the Madison County Growth Policy and that to ignore the Growth Policy is to be disrespectful of the law. He pointed out that development should be located in areas near services and that emergency personnel response times are too great. He discouraged scattered residential development and called Bradley Creek Ranch “sprawl”. He said to look at the definition of “community” in the Growth Policy and Norris does not fit the description. He further stated that he commended the strides taken on behalf of wildlife and the corridor, but that the corridor along the southern border of the property which was recommended by Forest Ranger Mark Petroni was ignored and not put in the plan. He took issue with allowing fences on the ranch parcels which could be detrimental to wildlife. He added that if the developers were truly concerned about safety, they would not argue against having a turn lane on the highway.

Vicky Reynolds- co-owner of JR Tires, Norris-

- It is hard to make a living in Norris. Without expansion and growth, we remain stagnant. This kind of growth would be good for Norris. It won't happen all at once. There is very little land available for development in the Norris area. Much of it is tied up by the State of Montana in the university agriculture program.

John Kunkel – resident of McAllister area-

- It is so unaffordable to try to buy in the Madison Valley. Need to make it affordable for people to come to the Madison Valley. In favor of the subdivision.

Joe Reynolds – co-owner of JR Tires, Norris-

- Land prices are too high. Can't get workers- no housing. Not having growth in the right way- no families. We're getting those who made their money elsewhere and then they put up “no trespassing” signs. We do have a Harrison Fire station in town.

Roger Lang – Madison Valley owner- The Sun Ranch –

- No one is saying “no expansion”. What kind of development do we want? We need to think this through. I'm saying “what kind of development?” not “whether to develop or not”.

Bill Dringle-3 Rivers Telephone-

- Fiber optic cable will be put in to every lot. Any new subdivisions from Twin Bridges to the Eastern portion of Madison County will have fiber optic installed.

Comments/Questions from the Board:

General

- Planning Staff did a good job. Challenge what Coleman said about not being in compliance. It is in compliance.
- Applicant bent over backwards to address concerns.
- Nothing substantial to deny it.

Variance

- Is the variance for the width and length of the roads? *No. Just length. (Jim Jarvis added that driveways should comply with requirements for secondary emergency access roads in subdivisions, and be named according to the street naming policy.)*

Conservation Easement

- What about the Conservation Easement? *(Tim Jackson, previous owner: Approve of the subdivision and am agreeing to an additional 2300 acres into conservation easement. We need infrastructure for workers at the new hospital in Ennis. Need more affordable housing for such employees.)*

Affordability

- What is the targeted affordable lot price? *Kevin Spencer: \$50,000 for smaller lots.*
- How can you keep speculative buyers out? *We are willing to use the County's (Marilyn Ross') standard at \$62,500.00.*
- What will the mechanism be to guarantee affordability? *Kevin Spencer: Don't know of a mechanism. The affordable lots are guaranteed at an affordable price. Norris properties don't have the same viewshed and won't be as saleable. We will have the view of the wind turbines also. People who might purchase couldn't afford Pronghorn Meadows. Don't know how to control the price.*

Phasing

- How will this be phased? How will this be built? *Kevin Spencer: The Community Center will be finished. We will start with phases 2 and 4.*

TMDL's

- Petroni's comments as to TMDL's and wildlife were not adequately addressed. TMDL concerns are more serious than previously thought.
- Down the line, with Hot Springs Creek impaired, there is the potential in 10 years for more TMDL problem. The mitigation would have to be done in the forest which could impact grazing.
- Not opposed to growth there, but disagree with Nicklin's report that this will not impact stream flow. Too many wells near the stream to not affect it. Agree with TMDL concerns from Mark Petroni.

Remoteness of Subdivision

- We shouldn't encourage so much travel by allowing this subdivision to be so remote.
- Too far from existing services. Understand the concerns of JR, but don't think this is a good development yet. There is too much

growth next to the highway. This could be “podded” more. Not happy with this as it has been designed.

Impacts on Agriculture

- There will be impacts on adjoining ranch operations.

Left-Turn Lane

- Condition #12 (insert full language here) too onerous and it should be stricken. It is well-intentioned but over the top.
- One of the concerns mentioned before was public safety; the condition is appropriate.

Tom Henesh Rebuttal:

- Thanks to those who commented.
- Response times speak for themselves.
- As far as clustering is concerned, no one seems to have a clear definition.
- What is “smart growth”? No definition.
- It states on the Madison County website that Norris is a community.
- There is a part of the wildlife corridor in the southern part of the development as required by Petroni and FWP. Petroni is not a wildlife expert.
- Range to range connectivity is not true or possible because of the Bear Trap (Canyon).
- The application is fulfilled. No flaws. The Planning Staff wrote the reports, not I.

Kevin Spencer Rebuttal:

- We have doubled the space for wildlife. The open space can’t be moved around. We put fencing on the ranch lots to help with fire mitigation.
- I’m a zone guy. I am for the county creating some kind of zones. We have addressed all questions posed by them (county).
- The community of Norris wants us. Most of the property around the development is public land.
- I’m for affordable housing and working with county. I haven’t decided for sure how many units to set aside. I might increase from 5 to 7 lots.

MOTION: To recommend approval of the subdivision. Moved by Dave Maddison. Motion died for lack of a second.

MOTION: To recommend approval of the Overall Development Plan. Moved by Dave Maddison; seconded by Pat Bradley. Seven voted aye and 2 nay. Motion carried.

MOTION: To recommend approval of the road/driveway variance. Moved by Dave Maddison; seconded by Kathy Looney. Eight voted aye and one nay. Motion carried.

MOTION: To recommend approval of the Preliminary Plat. Moved by Dave Maddison; seconded by Don Loyd. Seven voted aye and two nay. Motion carried.

MOTION: To amend the conditions of approval by striking Condition #12, requirement for a left-turn lane on the highway. Moved by John Lounsbury, seconded by Dave Maddison. Seven voted aye and two nay. Motion carried.

PLANNING BOARD RECOMMENDATION

Based on the staff analysis and proposed Findings of Fact, the Planning Board recommends approval of the Bradley Creek Ranch Overall Development Plan (ODP) and Preliminary Plat subject to the conditions listed below.

[Standard subdivision conditions]

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body. *II-H and Chapter IV, MCSR 9/2006*
2. A notarized declaration of "Right to Farm" and "Emergency Services Information" (Appendix R of 2006 Madison County Subdivision Regulations) must be filed with the final plat. *II-H.2 and II-H.4. (a)-(c) MCSR 9/2006; 76-3-611 MCA*
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land. *II-G(c) and Appendix K, MCSR 9/2006; 76-3-612, MCA*
4. All subdivision road and utility easements (or rights-of-way) shall be clearly shown and labeled on the final plat. *II-G and Appendix K, MCSR 9/2006; Uniform Standards for Final Subdivision Plats (8.94.30003, ARM); 76-3-504 and 76-3-608, MCA*
5. Future modification of any elements shown on the plat may not be made without County review and approval. *IV-A.14 and 19, MCSR 9/2006; Section 27-30-101, MCA*

6. The final plat shall include a statement whereby lot owners waive their right to protest any rural improvement district (RID) designated by the Madison County to protect public health and safety on public roads leading to the subdivision.
IV-A 9 (a)–(h) MCSR 9/2006; 76-3-608 MCA
7. Prior to final plat approval, proposed road names and temporary addresses shall be submitted to and approved by Madison County Planning. *IV-A 9 (k-2) MCSR 9/2006; 76-3-608 MCA*
8. Prior to final plat approval, temporary physical addresses must be assigned to each lot in accordance with Madison County's rural addressing and Emergency 911 system. *IV-A 9 (k-2) MCSR 9/2006; 76-3-608 MCA*
9. Upon completion of road improvements, a permanent address shall be assigned to each building site. Individual address signs shall be erected at the driveway entrances. *IV-A 9 (k-2) MCSR 9/2006; 76-3-608 MCA*
10. In the event that the road, utilities or other required improvements are not completed prior to final plat submission, a Subdivision Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the letter of credit shall be 125% of the engineer's estimated cost for the improvements. Any letter of credit or other guarantee must cover the time period needed to complete project improvements. *IV-A 14 (c-2) MCSR 9/2006; 76-3-608 MCA*
11. The final plat shall include the following statement: "Prior to any construction requiring sanitation, the lot owner must first obtain a Madison County septic permit." *IV-A 16 MCSR; Madison County Sanitarian Regulations; 76-3-608 MCA*

[Specific subdivision conditions]

12. Prior to final plat approval, the developer must install four cisterns with a minimum capacity of 10,000 gallon each and dry hydrants with vehicle turnouts. One cistern/hydrant should be located within the Phase 2 area of the development. *IV-A 14 (c-2) MCSR; 76-3-608 MCA*
13. Prior to final plat approval, subdivision covenants (section M) will be amended to prevent over-grazing by prohibiting livestock, including horses, from all lots in the subdivision, except for the Phase 4 ranch lots. Recognizing the popularity of horses in this setting, the developer should consider alternatives, including creation of an equestrian facility within the community park/open space area. *IV-A 18 MCSR; 76-3-608 MCA*

14. Prior to final plat approval, the developer shall commit to creating fuel breaks along the south and west borders of the subdivision. *IV-A 14(c)4 MCSR; 76-3-608 MCA*

Staff Note: The original condition #12 requiring a left turn lane was stricken per planning board motion.

President Ann Schwend closed the public hearing at 8:10 p.m.

B. Preliminary Plat – Summit View Phase IV Subdivision (ML Condominiums), Big Sky Mountain

President Ann Schwend opened the public hearing at 8:15 p.m. Planner Jim Jarvis opened the discussion with a description of the property with the plat to illustrate the design of the project. The need for additional geotechnical information was discussed with the board.

Site Description:

The 4.3 acre site is located on Summit View Drive and Heavy Runner Road in Big Sky. The lot is legally described as Phase IV Tract of corrected final plat of Summit View Subdivision, Phases I, II and IV. The property is located within the curve formed by Summit View Drive. An amendment to Summit View Phase IV was approved on June 26, 2007, to allow the conversion of the original commercial building, identified as Building #1 on the plat, to a 6-unit residential condominium building. The 3-story Building #1 and the associated parking area are in the southeast corner of the site, off of Heavy Runner Road, about 100 feet below Summit View Drive on the west side of the property. The undeveloped/ungraded portion of the lot is lightly forested. The site is on a west facing slope with grades of approximately 18-32 percent. A deviation to county subdivision standards is requested to allow construction on slopes greater than 25%.

The Skycrest and Alpenglow condominiums are to the south of the site, and the Lodges at Elkhorn Creek are on the west side of the Big Sky Spur Road. Lake Levinsky is located to the south of the Elkhorn project.

The existing 6 units are connected to an approved private septic system. The property is in the process of being annexed into the Big Sky Water and Sewer District. Once annexed, the development will be connected to the public utility system and the private system will be abandoned.

Proposal:

When completed, the 4.3 acre site would be developed with 36 single-family residential condominiums and garages in three buildings, associated parking and driveway areas, pool and spa. Building #1 would be 47' high with 6 units; building #2 to the north of Building #1 would be 70' high with 16 units; and the northernmost Building #3 would be 70' high with 14 units.

1. New lot owners should be provided with a copy of *The Code of the New West*.
2. Covenants should be expanded to specify fire-fill facilities as an additional maintenance responsibility of the property owners.

The developer should consider implementing additional fire protection measures recommended by the local fire chief, including upgraded cistern size from 10,000 to 30,000 gallon each and subdivision covenants that encourage installation of fire suppression sprinklers within buildings.

The project is substantially the same as presented to the Planning Board in February 2007.

Agency and Individual Comments:

Forty-five notification letters were sent via certified mail to all adjoining property owners on June 11, 2008. A public hearing notice was published in *The Madisonian* on June 12 and 19, 2008. Agencies were notified by first-class mail on June 11, 2008. The following table summarizes the comments received to date; comments dated before May 30, 2008, are included in the application materials.

REVIEW AGENCIES	COMMENTS
Madison County Planning	
Madison County Board of Commissioners (Road Supervisor)	
Madison County Sanitarian	
Madison County Weed Board	3/20/07 – Transmittal of weed plan form.
Madison County Sheriff's Office Dave Schenk Matt Daugherty	3/23/07 – Big Sky Deputy's response time approximately 30 minutes.
Gallatin Canyon Consolidated Rural Fire District	

Madison County – Emergency Management	4/12/07 – Development under fire and EMS protection of Gallatin Canyon Consolidated Fire District; recommended construction according to standards in National Fire Protection Agency publication 1144; estimated response time for fire and EMS of 5-10 minutes; checklist of concerns to be addressed.
Three Rivers Telephone Co-op.	4/9/07 – Able to provide service once facilities are extended to development.
Northwestern Energy	
Ophir School	
Ennis School District	
Big Sky Owners Association	
Madison Conservation District	
Big Sky Water & Sewer District	
Montana Dept. of Fish, Wildlife & Parks, (FWP)	
Montana Department of Transportation-Bozeman	
Montana State Historical Society	3/20/07, D. Murdo – Cultural resources inventory unwarranted.
US National Resource Conservation Service	
US Forest Service, Madison Ranger	
US Army Corps of Engineers	4/30/07, Alan Steinle, requirements for any proposed wetland fills
ADJACENT LANDOWNERS	COMMENTS
JeNelle Orgas	4/19/07 – questions related to height variances, parking, estimated completion date, expected price range.
Patrick Miller	4/2/07 – Questions on drain; water main relocation; building #1
LIENHOLDERS, HOMEOWNERS ASSOCIATIONS	COMMENTS
Rocky Mountain Bank	
Summit View Homeowners Association	
Sky Crest Homeowners Association	

Alpen Glow Homeowners Association	
Elkhorn Homeowners Association	

No other public or agency comments have been received.

Pre-application, excerpt from Planning Board Meeting of February 26, 2007

“Doris explained that this project pertains to the unfinished commercial building in Big Sky that has been discussed on previous occasions. The developers’ intent is to create 6 residential condo units in the existing building and build two additional buildings with 15 condo units each.

Chuck Melber of LDMS explained that they have tried to get the site annexed into the Big Sky Water and Sewer District, but so far have not received affirmation. They are prepared to do wells and septic and an SBI system. They will also plan a 120,000 gallon cistern for water storage for domestic use and fire fighting. They will be taking possession of the property on approximately March 8, then the water/sewer situation may be resolved. Once ownership is in LDMS, they will notify agencies.”

Planning Board Hearing

Comments from the Developer and Comments/Questions from Planning Board and Staff

- The development will rely on a centralized water and sewer services provided by Big Sky County Water and Sewer District (BSCWSD). Annexation into the District is almost complete based on information provide in application package. The existing well and septic system servicing Building #1 will be abandoned upon annexation. The well will be incorporated into the BSCWSD to augment water supply.
- This area of Big Sky is serviced by the Gallatin Canyon Consolidated Rural Fire District and Big Sky Office of the Madison County Sheriff’s Office. .
- The developer has agreed to participate in proposed traffic study for the Big Sky area. The development relies on existing roads for access.
- The primarily seasonal residents of this subdivision are not expected to significantly impact local schools.
- The development, upon full build out, should generate significant tax revenues for the county, capable of balancing increased public service expenses.
- Power and telephone utilities are already in the area.
- Is the completed building on septic? *Yes. That will be abandoned once we get annexed to Big Sky County Water and Sewer.*

- Is the building occupied? *One unit is sold and the other two are under contract.*

Leonard Liston, developer of the property, said that the project began in 1991 as a gas station and store, but his development is just condominiums and not commercial. He added that there is a water main installed with two fire hydrants on the grounds. He also said that they had taken great effort to save the trees around the property.

PUBLIC COMMENT

None

COMMENTS/QUESTIONS FROM THE BOARD

Occupancy

- Is the building occupied? *Yes, one unit is sold and the other two are under contract.*

Slopes and Geotech

- The 25% slope concerns me. I guess we can be assured by a new geotech report.
- Concerned with setting a precedent with developing on steep slopes.
- The slope and moisture at the bottom seem rather scary.
- There needs to be a more comprehensive geotech than the 1998 one. *The new geotech is much more complete.*
- It is good that they are doing an infill.
- You could shift the buildings over a little. *The Fire Department determined the placement of the buildings.*

MOTION: To recommend approval of the ML Condominiums Subdivision Preliminary Plat subject to the following conditions. Moved by Don Loyd; seconded by Dave Maddison. Eight voted aye and one nay. Motion carried.

PLANNING BOARD RECOMMENDATIONS

Based on the staff analysis and proposed Findings of Fact, the Planning Office recommends approval of the ML Condominiums Preliminary Plat subject to the conditions listed below.

[Standard subdivision conditions]

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body. *II-H and Chapter IV, MCSR 9/2006*

2. A notarized declaration of “Right to Farm” and “Emergency Services Information” (Appendix R of 2006 Madison County Subdivision Regulations) must be filed with the final plat. *II-H.2 and II-H.4. (a)-(c) MCSR 9/2006; 76-3-611 MCA*
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land. *II-G(c) and Appendix K, MCSR 9/2006; 76-3-612, MCA*
4. All subdivision road and utility easements (or rights-of-way) shall be clearly shown and labeled on the final plat. *II-G and Appendix K, MCSR 9/2006; Uniform Standards for Final Subdivision Plats (8.94.30003, ARM); 76-3-504 and 76-3-608, MCA*
5. Future modification of any elements shown on the plat may not be made without County review and approval. *IV-A.14 and 19, MCSR 9/2006; Section 27-30-101, MCA*
15. The final plat shall include a statement whereby lot owners waive their right to protest any rural improvement district (RID) designated by the Madison County to protect public health and safety on public roads leading to the subdivision.
IV-A 9 (a)-(h) MCSR 9/2006; 76-3-608 MCA
16. Prior to final plat approval, proposed road names and temporary addresses shall be submitted to and approved by Madison County Planning. *IV-A 9 (k-2) MCSR 9/2006; 76-3-608 MCA*
17. Prior to final plat approval, temporary physical addresses must be assigned to each lot in accordance with Madison County’s rural addressing and Emergency 911 system. *IV-A 9 (k-2) MCSR 9/2006; 76-3-608 MCA*
18. Upon completion of road improvements, a permanent address shall be assigned to each building site. Individual address signs shall be erected at the driveway entrances. *IV-A 9 (k-2) MCSR 9/2006; 76-3-608 MCA*
19. In the event that the road, utilities or other required improvements are not completed prior to final plat submission, a Subdivision Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the letter of credit shall be 125% of the engineer’s estimated cost for the improvements. Any letter of credit or

other guarantee must cover the time period needed to complete project improvements. *IV-A 14 (c-2) MCSR 9/2006; 76-3-608 MCA*

[Specific subdivision conditions]

20. Prior to final plat approval, an updated geotechnical report must be prepared for the site, including detailed engineering recommendations to mitigate steep slope hazard for grades exceeding 25%. *IV-A 3 MCSR 9/2006; 76-3-504(1)(e) MCA*
21. The following statement shall be shown on the face of the final plat “prior to construction a comprehensive geotechnical investigation including a slope stability analysis is required for each building site.” *IV-A 3 and 21 MCSR 9/2006; 76-3-504 and 76-3-608, MCA*
22. Participate with other Big Sky area developers in a Madison county-led study to address traffic safety issues on US 191 and MT 64 and connecting roads. *II-E 2 (b-1), IV-A 9 MCSR 9/2006; 76-3-504 and 76-3-608, MCA*
23. Prior to final plat approval, provide signed evidence of annexation into the Big Sky County Water and Sewer District. *IV-A 14(c) MCSR 9/2006; 76-3-504 and 76-3-608, MCA*

President Ann Schwend closed the public hearing at 9:05 p.m.

VIII. Pre-applications

A. Village Tracts Planned Unit Development Subdivision (Section 24), Moonlight Basin

The location of the Tracts is described as portions of the E1/2, Section 24 (less Jack Creek Road Tract, Cowboy Heaven Phases 1, 2, 3A, 3B, 3C, 3D and 4A, Diamond Hitch and Saddle Ridge Subdivisions) and a portion of the SE1/4 of Section 13, T6S, R2E.

Kevin Germain described the proposed project as a 90.46 acre piece comprised of 5 large developable lots. Two large open space lots totaling 45.24 acres and two Road Rights-of-Way tracts totaling 23.69 acres are also included.

Moonlight Basin’s ODP approval of this area is for 136 Residential Units and for the proposed area they would like to put in 180 residential units. The 44 residential unit difference will be removed from the Lower Madison Planning Area.

Kevin explained that Moonlight has 1300 units left for build-out. Moonlight is looking for other developers to do some of this. They are also working on strict guidelines to keep the flavor of the area.

COMMENTS/QUESTIONS FROM THE BOARD AND STAFF:

- Will buyers/developers be held to the density of the ODP? *Yes.*
- Lee Poole had tried to sell the whole project. Is this a different direction? *Yes. Don't know where it's going to end up. The whole project may sell or Moonlight may develop the projects.*
- Where is the Lower Madison Planning Area? *Kevin illustrated by pointing to the map. It is located on the lower reaches of the Jack Creek Road.*
- Will doing it this way help to get prospective buyers involved? *Most of the potential buyers are afraid of the project.*
- How closely associated are you with the Lost Lakes project? *We have been working with them closely.*

B. Lost Lakes Overall Development Plan, (Owner- Robbie Hill)

Dave DeGrandpre, representative for Robbie Hill, presented the project. The property lies adjacent to Moonlight Basin Ranch properties. The land is comprised of approximately 307 acres and is further described as a portion of the E1/2, Section 16, T6S R2E. He added that there are two parcels with a total of approximately 627 acres under the ownership of Lost Lakes Development Company.

Mr. Hill's intention is to develop a complementary, but distinct, extension of Moonlight Basin Ranch. Roads, recreational paths, a ski lift and ski trails, electrical and power utilities and most likely water and sewer services would be shared by Lost Lakes and Moonlight Basin Ranch. There are 8 planning areas within the project with a total of 131.8 acres. Up to 108 single-family residences are proposed to be developed. The remainder of the 307-acre development parcel, approximately 162.9 acres, would be owned and managed by a landowners' association as common area. The conservation easement property would be incorporated into the project via recreational trails, but no structures or permanent development would occur on it. There is no commercial development of any kind planned for the project.

Andy Willett, additional representative for Mr. Hill, added that their intent is to put a ski lift on the property. It would be, subsequently with Moonlight, the greatest vertical ski lift in the lower 48 states.

COMMENTS/QUESTIONS FROM THE BOARD

- If all went well, how soon would you start? *2010 at the earliest.*
- Will there be an adequate geological map? Landslides are common in the area. *Yes.*
- Will there be public access to Cedar Mountain Wilderness Area and Hidden Lake? *There is a US Forest Service trail across it.*
- Is Jon Fossel aware of this development? *Yes. We bought property from him.*
- What is your contingency if you can't access Moonlight's water and sewer? *Individual wells and septic. The big question is water. They (Treeline Springs – Moonlight) have submitted to DEQ.*
- Water is a concern and DNRC is trying to determine how much water is up there. Are there individual wells in that area? *Yes. We would rather not have to do it this way.*
- Where is Moonlight in this process? *It all takes time. We just received water right information that we applied for four years ago. There is a tremendous risk for getting water right for a public system.*
- Has anything been decided as to the location of the 108 lots? *Not exactly. We have a geotech overlay and we are kicking around different options.*

VIII. FY 2009 Budget

Charity described aspects of the budget with the following highlights:

- Personnel – Arbitrary placeholder increase of 4%. The third planner position is on hold, but will be evaluated throughout the year.
- 4 Wheel Drive vehicle – A vehicle suitable for off-pavement travel is being requested to either replace or supplement the Ford Contour. The department may share such a new (most likely used) vehicle with GIS, Grants and Public Health. This could reduce the cost to the Planning Department.
- A line item, #231, has been separated out from travel, meals and lodging to account for gasoline used in the county vehicle.
- Various account estimates were increased and decreased to better reflect actual spending patterns and costs. The budget includes funding for Planning Board and staff attendance at conferences and workshops.
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QUESTIONS FROM THE BOARD

- How much did the contract planners cost the county? *About \$46,000.*

IX. Clustering (definitions)

Charity had included a handout with the clustering information in the Planning Board packets. She listed the definition as "clustering

concentrates the building/infrastructure as opposed to dispersing it. It is most typically used to preserve open space, though it can also be used for other purposes, such as preserving sensitive areas or farmland. Montana law addresses cluster development in a number of places in Title 76, Land Resources and Use, Chapter 3, Local Regulations of Subdivisions. Her handout illustrated different types of clustering.

QUESTIONS FROM THE BOARD

- Does this mean that Bradley Creek is clustered? Yes.
- Doesn't the PUD element of the county subdivision regulations allow for clustering? *Somewhat*

X. Old Business

A. Streamside Protection Regulations, status report

Jim Jarvis' Staff Report included information on the workings of the Steering Committee for Streamside Protection Ordinance. The last meeting was held on June 10, 2008 with approximately 46 members of the public in attendance. Karen Filipovich was introduced as a new facilitator for the county in this project. Jim's report further stated that the Steering Committee and group assembled agreed to meet for more meetings in order to continue discussions as to language in the proposed ordinance. He also reported that he and Charity had presented an overview of how to address setbacks on lots that are narrower than the proposed setback. The County Commissioners are paying for the facilitator, so that in the future there may not be a need for two people from the Planning Department to attend the meetings. It was pointed out that some members of the Madison Growth Solutions Process are planning a petition which is designed toward abandonment of the Streamside Ordinance that asks for a 500 foot setback. They do want to look at effects on water quality and riparian area protection. Discussion at the next meeting may address things next to the river other than buildings. It was also pointed out that the group seems to be supportive of a lot by lot scientific approach to a setback ordinance.

B. Site Tour Summary of Perkins Mill Gulch and Elias Mill Gulch Minors

The summaries of the above referenced minor subdivisions were included in the Planning Board packets. A brief discussion was held regarding the Elk Run Subdivision site tour. Five members of the Planning Board, one commissioner and all of the Planning Staff attended the tour just west of Twin Bridges. A summary of the tour will be included in the next Planning Board packet.

C. OTHER

Charity called the Board's attention to a Montana Supreme Court decision regarding remainder parcels. It was a court case brought by the Clerk and Recorder of Gallatin County and the outcome from the court was that remainders would have to go through subdivision review and could not be sold and recorded without doing so.

XI. New Business

A. Planning Board Member Reports

Pat Bradley pointed out that the Western Governors' Conference attendees were talking about wildlife, development and exploration. She mentioned that former Madison County Director of Planning Doris Fischer has very active in highlighting these issues for the conference.

B. Geology Field Trip

The Jack Creek Drainage Geology Field Trip in the Madison Mountain Range will be held July 10, with all parties meeting at Moonlight Basin Ranch's Ennis office at 10:00 a.m. The Planning Department will provide lunches for the board, staff and Moonlight attendees and Moonlight will provide vehicles.

C. Planning Office Report

Charity pointed out that the report was included in the packets. She listed the County Commissioner activities as follows:

- Approved preliminary plat for Ruby Rock Major Subdivision
- Approved preliminary plat condition amendment for Moose Creek Meadows Major Subdivision
- Determined whether proposed boundary line adjustments amending the Yellowstone Club Phase 3A plat are material changes requiring subdivision review.
- Agreed to Streamside Protection facilitator.
- Passed Resolution of Intent to Adopt and held the first reading on Ordinance 2-2008 (definitions in Subdivision Regulations)
- Held public hearing on Sagebrush Energy's Norris Hill Wind Energy project.
- Approved a replacement Subdivision Improvements Agreement and associated letter of credit for Cowboy Heaven, Phase 3C (Area 3) and Phase 3D of Moonlight Basin Ranch

She also listed highlights of the Planning Office activities and upcoming activities of the office.

D. Other

None

The meeting adjourned at 10:00 p.m.

Ann Schwend, President

Marilee Tucker, Secretary